

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 01- 9111

ORDER REVOKING PROBATIONARY LICENSE

ORDERED:

The probationary license issued to JAMES M. STANTON is revoked, pursuant to the recommendation contained in the attached Order of the Board of Law Examiners. James M. Stanton must surrender his State Bar Card and Texas law license to the Clerk of the Supreme Court immediately; or, file an affidavit with the Court stating why he cannot.

Consequently, James M. Stanton is prohibited from the practice of law in the State of Texas. This includes holding himself out as an attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the designation "Attorney at Law," "Counsel at Law," or "Lawyer."

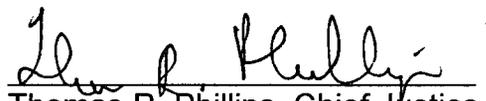
Additionally, James M. Stanton must provide immediate, written notification of the revocation to each of his clients. He shall return any files, papers, unearned monies, and other property in his possession belonging to any client or former client to the client or former client or to another attorney at the client's or former client's request. James M. Stanton shall file with the State Bar

of Texas, Office of the Chief Disciplinary Counsel, Post Office Box 12487, Austin, Texas 78711-2487, within thirty (30) days after the date of this Order, an affidavit stating that all current clients have been notified of the revocation of his license and that all files, papers, monies, and other property belonging to all clients and former clients have been returned.

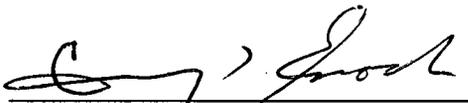
Finally, James M. Stanton shall, within thirty (30) days after the date of this Order, provide written notice of the terms of this Order to each justice of the peace, judge, magistrate, and chief justice of each court in which he has any pending matter and shall therein identify the style and cause number of the pending matter with the name, address, and telephone numbers of each client he represents in each court. James M. Stanton shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, Post Office Box 12487, Austin, Texas 78711-2487, within thirty (30) days after the date of this Order, an affidavit stating that he has provided written notice to each justice of the peace, judge, magistrate, and chief justice of each court in which he has any pending matter the style and cause number of the pending matter with the name, address, and telephone numbers of each client he represents in each court.

This Order shall be effective immediately.

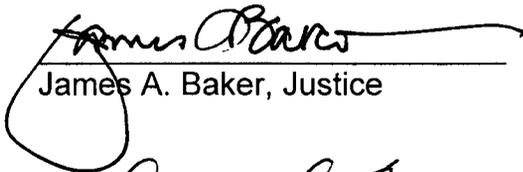
SIGNED on this 18th day of July, 2001


Thomas R. Phillips, Chief Justice

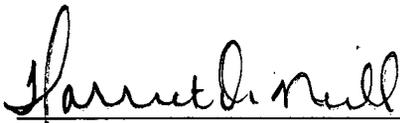

Nathan L. Hecht, Justice


Craig T. Enoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson, Justice

BOARD OF LAW EXAMINERS

IN THE MATTER OF
JAMES M. STANTON

§
§
§

IN PUBLIC HEARING AT
AUSTIN, TEXAS

ORDER

On March 30, 2001, a three-member panel of the Board of Law Examiners ("Board"), with Jack V. Strickland presiding, heard the matter of James M. Stanton (Respondent). Kristin Bassinger, Staff Attorney, represented the Board. Respondent, although advised of his right to counsel, elected to appear *pro se*. The Board considered, among other things, whether Respondent's probationary license should be revoked.

I.

PROCEDURAL HISTORY

Respondent appeared before the Board in a December 10, 1999 hearing. Following that hearing, the Board recommended Respondent be granted a probationary license. Respondent accepted the probationary license but failed to abide by one or more of its conditions.

On January 8, 2001, the Board sent Respondent proper and timely notice of this hearing, by certified mail return receipt requested and first class mail. The notice letter stated that the general issues to be considered at the hearing were whether Respondent failed to comply with one or more of the conditions attached to the order; whether such failure, if any, indicates Respondent lacks the good moral character required for admission; and, whether the Board should recommend revocation of Respondent's probationary license.

II.

JURISDICTION

The Board has jurisdiction over this matter pursuant to V.T.C.A., Government Code, Sections 82.004, 82.022, 82.028, and 82.030, as well as Rules II, III, IV, IX, X, XV, XVI, and XX

of the *Rules Governing Admission to the Bar of Texas*, adopted by the Supreme Court of Texas, including amendments.

III.

FINDINGS OF FACT

After considering the evidence and testimony, the Board finds:

1. On or about February 8, 2001, the Board gave Respondent proper and timely notice of a March 30, 2001 hearing, by first class mail and by certified mail, return receipt requested. (B.E.1 at 1).
2. After a hearing on December 10, 1999, a hearings panel of the Board voted to recommend Respondent for a probationary license. (B.E.2).
3. Respondent failed to comply with condition 1 of his probationary license, which required him to commit no offense against the laws of this state, any other state, or the United States by committing the felony offense of obtaining a controlled substance by fraud, Cause Number 852202, in the 262nd District Court of Harris County. (B.E.2 at 3 & B.E.5 & B.E.6).
4. Respondent failed to comply with condition 2 of his probationary license, which required him to conduct himself in such a way so as to avoid, and not be subject to disciplinary action for the breach of any regulation, rule, or statute governing any profession in which he may be engaged, when he subjected himself to discipline by both the State Bar of Texas and by the Texas Board of Medical Examiners, by committing the felony offense of obtaining a controlled substance by fraud and by his admitted chemical dependency to prescription drugs for which he holds no valid prescription. (B.E.2 at 3 & B.E.5 & B.E.6 and hearing testimony).
5. Respondent failed to comply with condition 3 of his probationary license, which required he not engage in any conduct that evidences a lack of good moral character, by committing the felony offense of obtaining a controlled substance by fraud and by his admitted chemical dependency to prescription drugs for which he holds no valid prescription. (B.E. 2 at 3 & B.E.5 & B.E.6 and hearing testimony).
6. Respondent failed to comply with condition 4 of his probationary license, which required Applicant to "work diligently with the I.R.S. on an agreement to resolve the matter of his past due tax liability either by payment of an offer in compromise or pursuant to a payment plan approved by the I.R.S." since Respondent has neither an I.R.S. approved payment plan nor an accepted offer in compromise. (B.E.2 at 3 & B.E.7).
7. Respondent failed to comply with condition 7 of his probationary license, which required him to inform the Board, in writing, of any breach of the conditions of his probationary license, within fourteen days of such breach, since Respondent did not inform the Board of his August 7, 2000 arrest until October 12, 2000. (B.E. 2 at 3 & B.E.3 at 5 & B.E.4 at 3 & B.E.6 at 2).

8. Respondent failed to comply with condition 10 of his probationary license, which required timely filing of periodic questionnaires, by failing to file a questionnaire by September 1, 2000, as ordered and by failing to file the September 1, 2000 questionnaire on or before the extended filing date offered by the Board staff. (B.E. 2 at 4 & B.E.3 & B.E.4).
9. The fact that Respondent failed to comply with conditions 1, 2, 3, 4, 7, and 10 of his probationary license is indicative of the character trait of lack of trustworthiness in carrying out responsibilities.
10. The fact that Respondent failed to comply with conditions 1, 2, 3, and 7 of his probationary license is indicative of the character trait of dishonesty.
11. The fact that Respondent failed to comply with condition 4 of his probationary license is indicative of the character trait of lack of financial responsibility.

IV.

CONCLUSIONS OF LAW

1. There is a clear and rational connection between Respondent's dishonesty, evidenced by his failure to comply with conditions 1, 2, 3, and 7 of his probationary license, and the likelihood he would injure a client, obstruct the administration of justice, or violate the *Texas Disciplinary Rules of Professional Conduct*, if he were licensed to practice law.
2. There is a clear and rational connection between Respondent's lack of trustworthiness in carrying out duties, evidenced by his failure to comply with conditions 1, 2, 3, 4, 7, and 10 of his probationary license, and the likelihood he would injure a client, obstruct the administration of justice, or violate the *Texas Disciplinary Rules of Professional Conduct*, if he were licensed to practice law.
3. There is a clear and rational connection between Respondent's lack of financial responsibility, evidenced by his failure to comply with condition 4 of his probationary license, and the likelihood he would injure a client, obstruct the administration of justice, or violate the *Texas Disciplinary Rules of Professional Conduct*, if he were licensed to practice law.
4. Respondent's probationary license should be revoked due to his failure, as found herein, to comply with the conditions of that license.

IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED that Respondent failed to comply with one or more of the conditions of his probationary license; that Respondent's non-compliance indicates he lacks the present good moral character required for admission; and, that the

Board shall recommend to the Supreme Court of Texas that Respondent's probationary license be revoked due to his non-compliance.

IT IS FURTHER ORDERED that, pursuant to Rule IV (d)(3) of the *Rules Governing Admission to the Bar of Texas*, Respondent may petition the Board for a re-determination of Respondent's moral character no earlier than five years after the completion of his probation in Cause Number 852202, in the 262nd District Court of Harris County, Texas; and, any such petition for re-determination shall be accompanied by the application form then in effect, along with all appropriate fees.

IT IS FURTHER ORDERED that, upon Respondent's proper and timely filing of any future petition for re-determination and application form, the Board's determination as to Respondent's requisite character and fitness at that time shall include an investigation as to whether Respondent has complied with the following curative measures.

V.

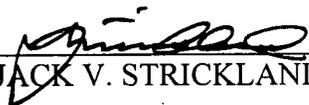
CURATIVE MEASURES

1. Respondent shall commit no offense against the laws of this state, any other state, or the United States.
2. Respondent shall conduct himself in such a way as to avoid and not be subject to disciplinary action for the breach of any regulation, rule, or statute governing any profession or activity in which he may be engaged.
3. Respondent shall not engage in any conduct that evidences a lack of good moral character or fitness.
4. Respondent shall remain abstinent from mind-altering drugs, except when such drugs are lawfully prescribed by a treating physician or psychiatrist and taken in accordance with such prescription.
5. Respondent shall work diligently with the I.R.S. to resolve his past due tax liability either by payment of an offer in compromise or pursuant to a payment plan approved by the I.R.S.
6. If Respondent enters into an I.R.S. approved payment plan, he shall make each required payment on or before the date due.

7. Respondent shall comply with any conditions imposed upon him by the Texas Board of Medical Examiners.
8. Respondent shall satisfactorily address the concerns of the Board regarding his good moral character at a subsequent hearing to be set at the staff's discretion, following a petition for re-determination, if any.

IT IS FURTHER ORDERED that, in the event Respondent submits a petition for re-determination and supplemental investigation form, the burden of proof shall be on him to present evidence addressing not only any character or fitness issues covered in this Order, but also any new issues that arise out of the investigation conducted on Respondent's petition for re-determination.

SIGNED this 26th day of April 2001



JACK V. STRICKLAND, Presiding Chair

Board of Law Examiners

Appointed by the Supreme Court of Texas

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July 2, 2001

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EXECUTIVE DIRECTOR
JACK MARSHALL, DIRECTOR
CHARACTER & FITNESS
JOSH HENSLEE, DIRECTOR
ELIGIBILITY & EXAMINATION

INTERAGENCY MAIL

The Honorable Deborah G. Hankinson
Supreme Court of Texas
Third Floor, Supreme Court Building
Austin, Texas

Dear Justice Hankinson:

I am forwarding to you, via the Clerk's office, a miscellaneous docket order revoking the probationary license of James M. Stanton. The proposed order includes injunctive language requiring cessation of practice and client notification. Attached to the proposed order, for the Court's approval, is a copy of the Board's order, setting out findings of fact and conclusions of law. Dr. Stanton did not appeal the Board's order and the time for appeal has passed.

Sincerely,



Julia E. Vaughan
Executive Director

Enclosure